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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,605	11/03/2004	Takashi Yamaguchi	P26182	7430
7055	7590	12/06/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			PAYER, HWEI SIU CHOU	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/511,605

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **Detailed Action**

The amendment filed on 11-2-2006 has been entered.

### **Claims Objections**

Claims 13-16 are objected to since they are the duplicates of claims 6-9.

Cancellation of claims 13-16 is required.

### **Claims Rejections - 35 U.S.C. 102(b)**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Micinilio (U.S. Design Patent No. 441,912).

### **Claims Rejection - 35 U.S.C. 103(a)**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micinilio (U.S. Design Patent No. 441,912) in view of Japanese Patent Publication No. 2002-095878).

Micinilio's shaver shows all the claimed structure except it lacks an anti-slip portion provided on a side of the main body of the shaver.

Japanese '878 shows a shaver comprising anti-slip portions (2) formed of an elastic material (see the Abstract) provided on the sides (see Figs.1-2) of the main body (1) of a shaver.

It would have been obvious to one skilled in the art to modify Micinilio by providing the sides of the shaver main body with elastic anti-slip portions to facilitate a firm grip of the shaver during shaving as taught by the Japanese '878 reference.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Micinilio (U.S. Design Patent No. 441,912) and Japanese Patent Publication No. 2002-095878), as in claim 6, and further in view of Van Asten et al. (U.S. Patent No. 5,386,631).

Micinilio's shaver as modified shows all the claimed structure except it lacks a trimmer provided on the back of the shaver and a trimmer operation portion slidable up and down to operate the trimmer.

Van Asten et al. teach it is desirable to provide a shaver (1) with a trimmer (8) on the back of the shaver main body (2) and a trimmer operation portion (59) slidable up and down for operating the trimmer (8).

It would have been obvious to one skilled in the art to further modify Micinilio by providing the back of the shaver main body with a trimmer and a trimmer operation portion slidable up and down to operate the trimmer for adding an additional function to the shaver as taught by Van Asten et al.

#### **Indication of Allowable Subject Matter**

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the objection as set forth.

#### **Remarks**

Applicant's arguments filed 11-2-2006 have been fully considered but they are not persuasive.

Applicants argue, at page 8 of the amendment, the side cross section of Micinilio's shaver is substantially C-shaped and not the claimed S-shape. In response, Applicants' attention is directed to Micinilio's Fig.1 and Applicants' Fig.1, wherein the side cross section of Micinilio's Fig.1 has a substantially S-shape just as that of Applicants' Fig.1.

Applicants further argue, at page 9 of the amendment, Micinilio's side cross section of part of the main body functioning as the grip portion of the shaver has a substantially C-shape, and the vertex of the C-shaped grip portion is disposed at the rear face side, and further, the head portion extends upward diagonally at the opposite side of the vertex of the C-shaped grip portion. Examiner disagrees. From a close examination of Micinilio's Fig.1 and Applicants' Fig.5 (also the description in the middle paragraph on page 9 of Applications' specification), it shows Micinilio's Fig.1 has the side cross section shaped like an "S" just like that of Applicants' Fig.5. Further, the two figures appear to have the same shape in the side cross section of the part of the main body functioning as the grip portion which has a substantially herringbone shape, and wherein the vertex of the substantially herringbone shape protrudes forward, and the head portion is provided to extend diagonally upward to a side of the vertex of the substantially herringbone shape from an upper end of the part of the main body functioning as the grip portion.

**Action Made Final**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

H Payer  
December 1, 2006

*Hwei-Siu Payer*  
Hwei-Siu Payer  
Primary Examiner